



IRW
MAIL STOP AMENDMENT

PATENT
8009-88143

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rainer KRAUSS et al.
Serial No. : 10/578,513
Filed : August 9, 2006
Confirmation : 5154
Group Art Unit : 3663
Examiner : C. Nguyen
For : Method for controlling the longitudinal movement of a motor vehicle

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 28, 2008

Sir:

In response to the Office Action mailed July 29, 2008, Applicants hereby elect Group I, method claims 1-8, for initial prosecution on the merits of the above-identified application. However, the restriction requirement is respectfully traversed.

In attempting to show there is no unity of invention between the claimed method and apparatus, the Examiner has stated that this is shown by the Form PCT/ISA/210, indicating there is no special technical feature that defines a contribution over the prior art with reference to DE 10153527. However, Form PCT/ISA/210 is a Search Report, indicating the International Examiner considered certain claims, including both method claims and apparatus claims as originally filed, not as now pending, to be unpatentable over a prior art reference. However, the International Examiner found unity of invention and acted on all of the claims. The present claims even more clearly have unity of invention and are allowable over the German reference.

The core of the present application is that a closed loop control is carried out below the threshold speed if a preceding vehicle (control target) has been detected. If there is no preceding vehicle, no longitudinal movement control is conducted. In other words, below the threshold speed, either a closed loop control is realized, or all manner of longitudinal movement control is omitted.

This is an essential difference between the prior art, e.g., DE 10153527, which corresponds to U.S. 2005/0038591. In the prior art system, automatic control changes to open loop control if the speed falls below a threshold value. With open loop control, however, it is not possible to automatically control the distance from a preceding vehicle. In addition, it is not necessary to detect a preceding vehicle in order to carry out longitudinal movement control in the low-speed range.

Thus, the idea behind the presently claimed invention of realizing either a closed loop control or omitting any control of the longitudinal movement in the low speed range is new in comparison to DE '527 and also is not suggested by the prior art. Therefore, the idea is inventive as compared to the DE '527 A1. The two groups of claims set forth in the Office Action, i.e., the method claims 1-8 and the apparatus claims 9-11, are linked by this joint inventive idea, which is contained in the claims of both groups. It is, therefore, respectfully submitted that the restriction requirement is not justified.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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